

improvements on said real estate presently consist of a two story frame dwelling house which is occupied by the petitioners Clair N. Cunningham and Martha M. Cunningham and their family.

3. The petitioner Cleo Smith would further state that it is his intention and desire to erect and construct a one and two story ten unit apartment building on said real estate, along the north side thereof; that if feasible, said petitioner would further propose to erect an additional apartment building at the east end of the lot and behind the existing dwelling house; that it is proposed that said apartment complex will be built and constructed and ready for occupancy not later than the Fall of 1968.

4. SAid petitioners would further state to this Board that the proposed use of said real estate as is described herein is prohibited by existing zoning regulations, and that it is necessary that a variance be granted to enable the petitioner Cleo Smith to exercise his option and to construct the apartment building complex described herein upon the real estate described aforesaid.

5. Said petitioners would further show to the Board that the literal enforcement of the provisions of the Zoning Ordinance of the City of Lebanon, Indiana, prohibits the maximum use of the real estate as described herein; that the granting of the requested variance herein for a contingent use of said real estate will enable the petitioner Cleo Smith to build an apartment complex upon said real Estate, and that a variance from the terms of the present zoning Ordinance would be in the best interests of the community.

6. Said petitioners would further show to said Board that the re-requested grant of a variance from the present use of said real estate to that of a contingent use will not be contrary to the public interest and will not create a traffic hazard or additional parking difficulties as any such contingencies will be removed after any such variance is granted; that there will be no other new improvements erected on said real estate involved in this present request other than that herein described.

7. The undersigned petitioners further state and allege that the granting of a requested variance will not:

- (a) Impair the adequate supply of light and air to adjacent property.
- (b) Increase the hazard from fire, flood and other dangers to said property.
- (c) Diminish the marketable value of adjacent lands and buildings.
- (d) Increase the congestion in the public streets.
- (e) Otherwise impair the public health, safety, comfort and general welfare.

WHEREFORE, the petitioners herein respectively pray that the Board of Zoning Appeals of the City of Lebanon, Indiana, will grant a variance from the terms of the existing zoning use and ordinance so as permit the petitioners herein to cause to be erected and constructed a one and two story ten unit apartment building on the premises as heretofore described, and in addition thereto, if the same is feasible, and additional